

**IN RE: PETITIONS OF ATTORNEYS-AT-LAW FOR ADMISSION TO
THE SUPREME COURT BAR AS COUNSELLORS-AT-LAW.**

Heard: November 27, 2006 Decided: December 22, 2006

PETITIONS GRANTED

MR. JUSTICE JA'NEH DELIVERED THE OPINION OF THE COURT.

On Thursday and Monday, November 23 and 27, 2006 respectively, nine (9) petitioners herein named, all ATTORNEYS-AT-LAW, appeared before this Court. The petitioners' appearance was in support of their respective petitions filed before the Honorable Supreme Court during its March and October Terms 2006, in which they pray for admission to the Supreme Court Bar as Counsellors-At-Law.

In their petitions, the petitioners averred that they are all graduates of the Louis Arthur the Grimes School of Law of the University of Liberia; that they were admitted to the Montserrado County Legal Bar as attorneys-at-law and since then have actively practiced law minimum three years before various courts and tribunals within the bailiwick of the Republic of Liberia.

The petitioners further averred in their respective petitions that they are citizens of good moral and professional character of the Republic of Liberia. As only Liberian citizens are allowed to practice law in this Republic, petitioners' admission to the Montserrado County Legal Bar as attorneys-at-laws, unless there is evidence to the contrary, speaks to their Liberian citizenship.

This Bench is deeply concerned about what appears to be far from desirable quality of legal service in this country. That this Court attaches great importance to the need to strengthen the Supreme Court Bar as a means of enhancing the quality of legal services, was engendered by our abiding belief in the critical role of Liberian lawyers in inspiring public confidence in the rule of law in Liberia.

This belief also explains why the Supreme Court Bench sat twice, on November 23 and 27, 2006 to hear the reading of the petitioners' petitions. During the hearing and supported by the National Bar, questions were posed to each of the petitioners, quizzing their understanding of substantive as well as ethical issues. At the end of this rigorous exercise, seven of the nine (9) petitioners were passed upon by the Supreme Court and declared as qualified candidates to sit for the admission examinations to

the membership of the Supreme Court Bar. The renewed spirited exercise in qualifying candidates for admission exams to the Supreme Court Bar is intended to send out a clear message that qualification exercises are not and will never again be perfunctory, if ever they were seen or treated as such.

We note here that these qualification exercises are consistent with the Revised Rules of Court, Admission of Counsellor, PART-1, page 16 (1999). It provides thus: "Except as herein after provided, no person shall be admitted as a Counsellor of this Court, unless, he/or she shall have being a practicing attorney for a period of at least three years immediately previous to his or her application for admission, and shall be of good moral standing, the same evidenced by the certificate of at least two (2) members of the Bar of this Court."

In harmony with the aforementioned, the Chief Justice, His Honour Johnnie N. Lewis, appointed two committees to examine the educational moral and ethical qualifications of the petitioners for membership to the Supreme Court Bar. Two former Chief Justices of the Supreme Court of Liberia, in the distinguished persons of Counsellor Henry Reed Cooper and Counsellor Gloria M. Musu-Scott were appointed by this Court to head the Committee on Examinations and the Committee on Moral and Ethics, respectively.

The composition of these two committees were as follows:

(A) COMMITTEE ON EXAMINATIONS

1. Counsellor	Henry Reed Cooper	Chairman
2. "	N. Oswald Tweh	Co-Chairman
3. "	Frederick D. Cherue	"
4. "	Felecia V. Coleman	"
5. "	Jamesetta Howard	"
6. "	Snonsio E. Nigba	"
7. "	Cyril Jones	"
8. "	John L. Greaves	"
9. "	Marcus R. Jones	"
10. "	Gloria M. Musu-Scottl	"
11. "	Cooper W. Krah	"
12. "	David A.B. Jallah	"
13. "	M. Wilkins Wright	"
14. "	William A. N. Gbainto	"
15. "	James E. Pierre	"

(B) MORAL AND ETHICS COMMITTEE

1. Counsellor	Gloria M. Musu-Scott	Chairperson
2. "	David A.B. Jallah	Co-Chairman
3. "	Copper W. Krah	Member
4. "	Emmanuel S. Koromah	"

Following the composition of the two committees just named, the names of seven (7) candidates qualified by this Court were forwarded to the Examinations and Moral and Ethics committees. The candidates were as follows:

1. Attorney Dickson N. Doe
2. " Viama J. Blama
3. " Tugbaty Negbalee Warner
4. " S. Buster Kamara, Sr.
5. " Esther Seton-Cee
6. " J. Augustine Toe
7. " Joseph K. Jallah

Following the examinations, the committees reported to the Supreme Court. The report addressed to the Chief Justice, His Honor Johnnie N. Lewis is dated December 15, 2006, signed by Counselor Henry Reed Cooper and Counsellor Gloria M. Musu-Scott on behalf of the committees.

In the submitted report, the Supreme Court was informed that the candidates were examined in the following substantive and procedural areas of the law:

Constitutional Law

Criminal Law/Criminal Procedural Law

Property, Decedent Estate/Trust Law, Labour Law,

Civil Procedure Law

Evidence Law

Contract, Commercial & Corporations Law.

We were also happily informed that the Moral and Ethics Committee also administered written examinations to the candidates and conducted interviews with each of the seven candidates. This also is a reinstatement of a tradition not practiced for a relatively long period by the Moral & Ethics Committee.

We were informed also that of the seven candidates examined by the two committees, five successfully passed. The successful candidates are listed below in their order of performance:

1. Tugbaty Negalee Warner
2. Dickson N. Doe
3. J. Augustine Toe
4. Joseph K. Jallah
5. Viama J. Blama

May this Bench seize this opportunity to express our profound gratitude and appreciation to members of the Examinations and the Moral and Ethics Committees for their continuing support and services rendered to the Supreme Court, their busy work schedules notwithstanding. This Bench is fully aware of the increasing critical roles of the Bar to the provision of quality legal and ethical services to the Supreme Court, the Judiciary and the whole country.

May we also congratulate the successful candidates who, by their success in these rigorous exercises, have demonstrated their readiness to contribute not only to an efficient court system in this Country, but in a particular way, to the sustained growth of a profession universally considered as "NOBLE".

The Bench wishes to remind you in the same breath, that during our sojourn as Chief Justice and Associate Justices of this Supreme Court, ethical considerations shall be our most compelling and guiding principle; and this commitment to upholding high ethical standards shall be demonstrated more so in the way the Bench will deal with proven misconduct on the part of lawyers and judicial officers.

Part of the professional code and ethical considerations this Bench will encourage you to always remember and guide your consciences by include the following:

(1) "Lawyers should expose without fear or favor before the Bar Association, corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client, first giving notice to the said member of the Bar of the client's intention to seek redress, a copy of which said notice should also be furnished the Bar Association." (Rule 29)

"Every lawyer should aid in guiding the Bar against the admission to the profession of candidates unit or unqualified, because of deficiency in either moral character or

education. It is the duty of 'every lawyer, and he should strive at all times, to uphold the honour and maintain the dignity of the profession, and to improve not only the law but the administration of justice." (RULE 29-3)

"The primary duty of the lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible and utterly unprofessional." *RULE NO. 7*

"A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and is bound to give a candid opinion of the merits and probable result of pending contemplated litigation. Whenever the controversy will not admit a fair judgment, the client should be advised to avoid or to end litigation, and it is unprofessional for a lawyer to advise the institution or continuation of an unmeritorious suit." (*RULE NO. 11*)

"The lawyer must decline to conduct a civil case, or make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty to insist upon the judgment of the court as to the legal merits of his client's claim." (*RULE NO. 31*)

"No client, corporate or individual however powerful, nor any cause, civil or political however important, is entitled to receive any advice involving disloyalty to the State, or to the law whose ministers we are. No lawyer should disrespect the judicial office which we are bound to uphold, or condone the corrupt and dishonest acts as of any person or persons exercising public office or private trust. A lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen." (*RULE NO. 38*). We now urge each of you to be example of high standards in our profession.

This Court now says that it has carefully reviewed the report from the Examinations and Moral and Ethics Committees and based on their objective recommendation, we are supremely confident that the petitioners/candidates, pursuant to statute controlling, are now duly qualified for admission to the Supreme Court Bar as Counselors-At-Law, and so we have voted unanimously.

WHEREFORE AND IN VIEW OF THE AFOREMENTIONED, it is our considered opinion that the petitions of the above named Attorneys-At-Law should

be, and same are hereby granted, and they are ordered admitted as Counselors-At-Law of the Supreme Court Bar.

The Clerk of this Court is hereby ordered to issue to each person named herein above a CONSELLOR CERTIFICATE with the signature affixed thereon of the Chief Justice, and Associate Justices of the Supreme, certifying that they have been duly admitted as members of the Supreme Court Bar, and may therefore practice law before the said Honorable Supreme Court of Liberia.

On behalf of the Bench, the Chief Justice shall now proceed to administer the OATH of Admission to the Supreme Court Bar to the candidates as stated herein. Petitions Granted. AND IT IS HEREBY SO ORDERED.